

REMARKS

Claims 50, 52-67 and 99-100 stand rejected under 35 USC §101 as not appropriately directed to statutory subject matter. Claims 50, 53 and 54 and 101 stand rejected under 35 USC §112, second paragraph as not being sufficiently definite. Applicant is appreciative of the recognition by the Examiner of subject matter, which is patentably distinct over the prior art of record. Applicants respectfully requests reconsideration of the rejections in light of the foregoing amendments and the following remarks and further requests allowance of all claims.

Claims 1-49, 51 and 68-98 were previously cancelled. Claims 50, 52-67, and 99-101 are pending.

Discussion of §101 rejections

Claim 1 is directed to a computerized automation system for the graduated, usage-equivalent automatic licensing of multifunctional and/or expandable software products. Applicant respectfully notes that the claimed invention is expressly tied to statutory subject matter (i.e., a computer) and it solves a real world problem (e.g., by way of a computerized automation system, it allows automatic licensing of software products). MPEP §2106.01 I states that “computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim”. It should be appreciated that claim 1 recites structural and/operational relationships, which are part of a machine (i.e., a computer). Accordingly, claim 1 is drawn to patent-eligible subject matter under § 101.

Claim 101 is directed to an article of manufacturing in the form of a “computer-readable storage medium”, also known in the art as a “Beauregard claim”. A Beauregard claim is considered statutory by the USPTO as a product claim. See the following excerpt of MPEP §2106.01 I:

“A claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory”.

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Accordingly, the §101 rejections noted in the Office Communication should be withdrawn.

Discussion of USC §112, second paragraph rejections.

Applicant respectfully notes that according to the USPTO patent database at least US patent Nos. RE 39,750; 6,910,996; 6,556,001 and 4,743,772 use the phrase “automated production process” in connection with their claims. Applicant further notes that according to the USPTO patent database about 128 US patents use the phrase “control solution” in connection with their claims.

Accordingly, it should be apparent that the phrases “automated production process” and “control solution” are old and well-known in the art. That is, such phrases have a well-established and recognizable meaning, which would be readily understood by one of ordinary skill in the art. Therefore, the §112, second paragraph rejections noted in the Office Communication should be withdrawn.

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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